IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 18504 of 2004(C)

PETITIONER:

K.P.NANDAKUMAR,
ADVOCATE AND NOTARY, KAYAMKULAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI,
SMT.SABINA JAYAN.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. **THE HOME SECRETARY,**
   DEPARTMENT OF HOME, TRIVANDRUM.

3. **UNION OF INDIA,**
   REPRESENTED BY THE SECRETARY, MINISTRY OF
   LAW JUSTICE AND COMPANY AFFAIRS, NEW DELHI.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASG,
GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.18504/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CERTIFICATE OF PRACTICE ISSUED BY THE R.3. TO THE PETITIONER DTD. 08/05/2000.

EXT.P.2: COPY OF THE ATTESTATION MADE BY THE PETITIONER DTD. 02/01/2003 ALONG WITH THE CERTIFICATE DTD. 23/11/2002.

EXT.P.3: COPY OF THE LETTER ADDRESSED TO THE PETITIONER DEMANDING THE RETURN OF FEE DTD. 08/01/2003.

EXT.P.4: COPY OF THE ATTESTATION OF THE MARRIAGE CERTIFICATE BETWEEN ONE KOLLAMTHODI MANIKANDAN WITH ARYA VIJAI ALONG WITH THE ATTESTATION OF THE PETITIONER DTD. 12/05/2004.

EXT.P.5: COPY OF THE LETTER ADDRESSED TO THE PETITIONER DEMANDING THE RETURN OF FEE DTD. 18/06/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No.18504 of 2004

Dated this the 14th day of June, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

I. Issue a writ of mandamus or other appropriate writ, order or direction commanding the 1st and 2nd respondents to accept all the acts that the petitioner may perform under Sec.8 of the Notaries Act, 1953.

II. Declare that the rejection of Ext.P2 and P4 is illegal, arbitrary and unconstitutional and it amounts to the defeat of the Constitutional clauses.

III. Issue a writ of mandamus or other appropriate writ order or direction commanding the 2nd respondent to pay Rs.20/- which the petitioner had to refund and a further sum of Rs.100/- as nominal compensation on account of the cancellation of the Notary Stamp affixed by the petitioner in the process of attesting the documents and also the penal nominal compensation he claims.

In the counter affidavit the stand taken by the State Government is that so far no intimation has been received by the State Government regarding the appointment of the petitioner by the Government of India. There will be a direction to the 3rd respondent to intimate the first and second respondents as to

whether the petitioner has been duly appointed as per Ext.P1 and in case the petitioner has been duly appointed as per Ext.P1, the value of the stamps cancelled as per Exts.P2 and P4 shall be refunded to the petitioner. The claim for damages is left open.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.